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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,529	03/18/2002	Shigeki Yoshida	740165-326	6248
22204	7590	08/23/2004	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			ROBINSON, MARK A	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/098,529	Applicant(s) YOSHIDA, SHIGEKI	
	Examiner Mark A. Robinson	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) 7-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/15/04 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Sakata 6132050.

As discussed previously, Sakata shows a folding mirror device for a vehicle including a support shaft(64) with a base portion, a case(52) on the support shaft and including a support portion(58) around the base portion and a bottom portion connected by ribs (note annotated fig. 3 included with the previous office action) to the support portion, and a mirror unit(31) foldable about the support shaft.

4. Claims 1,2,4,6,22,23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Maekawa 5005797.

Maekawa shows in figs. 3-5 a manually foldable mirror device including a base(11) mountable to a vehicle, a support shaft(12) with a base portion, a case(16) on the support shaft and including a support portion with annular wall(16a) around the base portion and a bottom portion(16b) connected by radially extending and uniformly spaced ribs(22) to the support portion, a mirror unit (not shown) foldable about the support shaft, and a positioning mechanism (note the abstract) for holding the case and mirror unit in a viewing or a folded position. Note that the extent of the ribs is greater than the thickness of the

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annular wall(16a) and that the ribs are integral with a wall of the case.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1,2,4-6 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakata.

The limitations of these claims are either met by or obvious over Sakata as set forth in the previous office action.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa.

Maekawa does not show the radial extent of the shaft base to be greater than that of the support portion. However, such an arrangement is known and an example is shown by Maekawa in his prior art fig. 2. It would have been obvious to the ordinarily skilled artisan at the time of invention to thicken the radial extent of the shaft base

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in order to increase the strength and rigidity of the shaft.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maekawa in view of Sakata.

Maekawa does not teach a motor base mounted inside the case and including a fitting portion fitted to a distal end of the shaft with a motor for swinging the case and mirror unit. However, such is shown by Sakata as discussed previously. It would have been obvious to the ordinarily skilled artisan at the time of invention to include such in Maekawa's mirror device in order to provide for more convenience by replacing the manual operation with an electrically powered one.

Response to Arguments

9. Applicant's arguments filed 6/15/04 have been fully considered but they are not persuasive.

Applicant has argued that Sakata does not include an express teaching of ribs in his structure and especially ribs which have a greater radial extent than the thickness of the annular wall.

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In response, it should be noted that the words of a claim must be given their plain meaning unless they are clearly defined in the specification. Applicant has not provided the term "rib" with any such special definition. Therefore, this term must be given its plain meaning and its broadest reasonable interpretation. Webster's II New College Dictionary broadly defines "rib" as "a part or piece serving to shape or support." Thus, the portions referenced by the examiner as "ribs" in the annotated fig. 3 of Sakata constitute ribs since they are parts or pieces which serve to provide shape or support to item 52.

Regarding the arguments that Sakata does not show the claimed radial extents and/or thicknesses of the ribs, base and support portions, it should be noted that these features were stated by the examiner to be obvious modifications of Sakata's device. Since applicant has not traversed the examiner's motivation for obviousness set forth in the previous office action, the rejection is still deemed to be valid.

Regarding applicant's argument that uniformly spaced ribs are not shown by Sakata, it should again be noted that at least the top and bottom ribs shown in Sakata's fig. 3

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are uniformly spaced, i.e. they are spaced in uniform increments of 180 degrees about the support portion.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Boddy shows in fig. 2 ribs which extend between a support portion and a bottom portion. Note that these ribs are longer than the thickness of the support portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information

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Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

8/19/04


MARK A. ROBINSON
PRIMARY EXAMINER